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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,381	01/23/2006	Julen Burgou Arteche	R.306459	5559

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EXAMINER

GONZALEZ, MADELINE

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,381

**Applicant(s)**

ARTECHE ET AL.

**Examiner**

MADELINE GONZALEZ

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

In response to applicant's amendment dated February 22, 2008

### ***Interview Summary***

During a telephonic conversation with Mr. Ronald E. Greigg on May 13, 2008, it was clarified that claims 15-34 are pending in the application. The amendment filed on February 22, 2008 included a listing of claims with only claims 15-31. Mr. Greigg stated that claims 32-34 were mistakenly left out and their status identifier should be "previously presented", since those claims were not amended or cancelled. Accordingly, claims 32-34 will be examined together with claims 15-31. A complete listing of claims is required with any subsequent response to this Office Action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 18, 20, 22-31 and 34 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Winslow et al. (U.S. 2,565,445) [hereinafter Winslow].

With respect to **claim 15**, Winslow discloses a filtering unit, as shown in Fig. 1, having:

- a filter housing 11;
- at least one substantially flat filter element 41 (having flat end surfaces), contained in the housing 11;
- an inlet 14;
- an outlet 17; and
- at least one wall 29, 37, encapsulating a side of the filter element 41, wherein the filter element 41 and the at least one wall 29, 37, together constitute a filter insert which is inserted into the housing 11, as shown in Fig. 1.

With respect to **claim 18**, Winslow discloses wherein the filter insert includes an encapsulated clean side that is connected to the outlet 17, as shown in Fig. 1.

With respect to **claims 20 and 22**, Winslow discloses wherein the filter insert includes an encapsulated dirty side that is connected to the inlet 14, as shown in Fig. 2.

With respect to **claims 23 and 24**, Winslow discloses two or more filter elements 41 contained in the filter housing 11, as shown in Fig. 1.

With respect to **claim 25**, Winslow discloses wherein at least one of the inlet or the outlet is situated at an end of the filter housing 11, as shown in Fig. 1.

With respect to **claim 26**, Winslow discloses wherein the inlet 17 and the outlet 17 are situated at opposite ends of the filter housing 11, as shown in Figs. 1 and 2.

With respect to **claim 27**, Winslow discloses a flow entry 56 that at least reduces turbulence in the region of the side where the flow strikes the filter element 41, as shown in Fig. 2.

With respect to **claims 28 and 29**, Winslow discloses a flow baffle 56 provided in the inlet 14, as shown in Fig. 2.

With respect to **claim 30**, Winslow discloses wherein the flow baffle 56 is inclined upward in relation to the flow direction, as shown in Fig. 2.

With respect to **claim 31**, Winslow discloses wherein the filter housing 11 includes a block-shaped housing part and a cover 24 that closes the housing part, as shown in Fig. 1.

With respect to **claim 34**, Winslow discloses a distribution stabilizer 56 on the inlet side, as shown in Fig. 2.

Claims 15-22, 25, 31 and 32 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins et al. (U.S. 5,620,599) [hereinafter Hopkins].

With respect to **claim 15**, Hopkins discloses a filter assembly 100, as shown in Fig. 1, having:

- a filter housing 200;
- at least one substantially flat filter element 300 (having flat surfaces 304, 306), contained in the housing 200;
- an inlet 202;
- an outlet 204; and
- at least one wall 400 encapsulating a side of the filter element 300, wherein the filter element 300 and the at least one wall together constitute a filter insert which is inserted into the housing 200, as shown in Fig. 3.

With respect to **claim 16**, Hopkins discloses wherein the filter element 300 includes a folded filter material 302, as shown in Fig. 2.

With respect to **claim 17**, Hopkins discloses wherein the filter material 302 is folded essentially into the shape of a block, as shown in Fig. 2.

With respect to **claims 18 and 19**, Hopkins discloses wherein the filter insert includes an encapsulated clean side that is connected to the outlet 204, as shown in Fig. 3.

With respect to **claims 20-22**, Hopkins discloses wherein the filter insert includes an encapsulated dirty side that is connected to the inlet 202, as shown in Fig. 3.

With respect to **claim 25**, Hopkins discloses wherein at least one of the inlet or the outlet is situated at an end of the filter housing 200, as shown in Fig. 1.

With respect to **claims 31 and 32**, Hopkins discloses wherein the filter housing 200 includes a block-shaped housing part 206 and a cover 208 that closes the housing part 206, as shown in Fig. 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Hopkins (U.S. 5,620,599).

**Claim 33** adds the further limitation of wherein the housing part and the cover are connected to each other by means of a nondetachable connection.

Hopkins discloses a housing part 206 connected to a cover 208. Hopkins **lacks** a nondetachable connection. However, Hopkins teaches a sleeve 400 having a

nondetachable connection with a filter element 300 in order to replace the sleeve and filter as a unit (see col. 7, lines 30-35). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a nondetachable connection between the housing part and cover disclosed by Hopkins in order to be able to replace the filter assembly as a unit, if desired to do so (see col. 7, lines 30-35).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is (571)272-5502. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Madeline Gonzalez  
Patent Examiner  
May 13, 2008

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797